



Labor and Employee Relations Discipline Analysis Report

Fiscal Years 2011–2013

April 2014



U.S. Customs and
Border Protection

Office of Human Resources Management



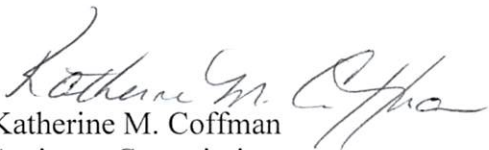
Message from Assistant Commissioner Katherine M. Coffman

The U.S. Customs and Border Protection's (CBP) Standards of Conduct form the cornerstone of the Agency's requirement for employee conduct. The goal of discipline is to correct an employee's behavior or performance with the least severe type of action possible. Discipline is a serious matter, and only a small percentage of the CBP workforce will receive such correction in the course of their Federal career.

Within the Office of Human Resources Management (HRM) Labor and Employee Relations (LER) Directorate, the 80 Employee Relations Division and Field Services Division specialists process approximately 7,000 allegations of employee misconduct each fiscal year. LER is also responsible for establishing service-wide policies, programs, and procedures to facilitate effectiveness and operational consistency in areas such as discipline, leave administration, performance management, awards, grievances and complaints, fitness for duty, and family friendly initiatives.

Information from CBP's payroll databases, the Human Resources Business Engine, and the Joint Intake Case Management System, used by LER and several Department of Homeland Security investigatory bodies, served as source data in conducting the analysis for this report.

HRM's professionals are committed to ensuring that the Agency's discipline processes are administered in an efficient and equitable manner. HRM looks forward to working with our customers to educate CBP's employees and improve the discipline process to make CBP more effective in accomplishing its mission.


Katherine M. Coffman
Assistant Commissioner
Office of Human Resources Management

Executive Summary

This report provides the details and statistics of U.S. Customs and Border Protection's (CBP) discipline program for the last three fiscal years, comparing discipline across all program offices and focusing on select areas such as indefinite suspensions and terminations during probation. Only formal discipline, written reprimand to removal, is included and analyzed in this report. Informal discipline, including oral or written counseling and verbal reprimands, is not included.

The purposes of this report are to:

- (1) Provide an overview of disciplinary and adverse actions taken by CBP deciding officials.
- (2) Identify discernible trends in types of misconduct, trends in types of actions taken, trends by program office, and the timeliness of actions.
- (3) Describe the results of the analyses and use as a basis for recommending disciplinary process changes or other improvements.

Each year, despite CBP's annual growth, slightly less than 3 percent of the total CBP workforce engages in some degree of misconduct resulting in formal disciplinary action. Written reprimands, the least severe type of formal disciplinary action, is the most common type of corrective action and has increased steadily each year since Fiscal Year (FY) 2011. A smaller percentage of the workforce engages in misconduct for which more severe discipline is necessary. In keeping with the Agency's Table of Penalties and Offenses which provides guidance on appropriate penalties for misconduct offense categories, actions beyond written reprimands include short suspension without pay up to and including removal from Federal employment.

The Offices of Border Patrol and Field Operations employees comprise the majority of CBP employees and over 90 percent of all actions processed by the Labor and Employee Relations Directorate (LER) each year involve employees from these two offices. Laredo and San Diego Field Offices as well as Tucson and Rio Grande Sectors are the largest offices in the country and effected the most discipline actions.

The timeliness of actions processed by the Agency's Discipline Review Board (DRB) is a focus in this report and is a matter of concern. The rationale behind this matter is explored and exciting recommendations on the drawing board at the time of publication are being reviewed. If approved, these recommendations, which include refining the DRB process and the types of cases the board hears, will ultimately result in more expeditious implementation of discipline.

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Overview of CBP's Discipline Process

Discipline is the most appropriate avenue to address employee misconduct that otherwise cannot be corrected by informal means.

The legal framework for Federal agencies to address employee misconduct through *disciplinary actions* (e.g., suspensions of 14 days or less and written reprimands) and also through *adverse actions* (e.g., suspensions of greater than 14 days, demotions, and removals) is established in 5 U.S.C. Chapter 75 and 5 C.F.R. Part 752. Discipline and adverse actions are considered formal discipline. In this report, the term discipline will generally be used to describe both types of formal action – discipline and adverse.

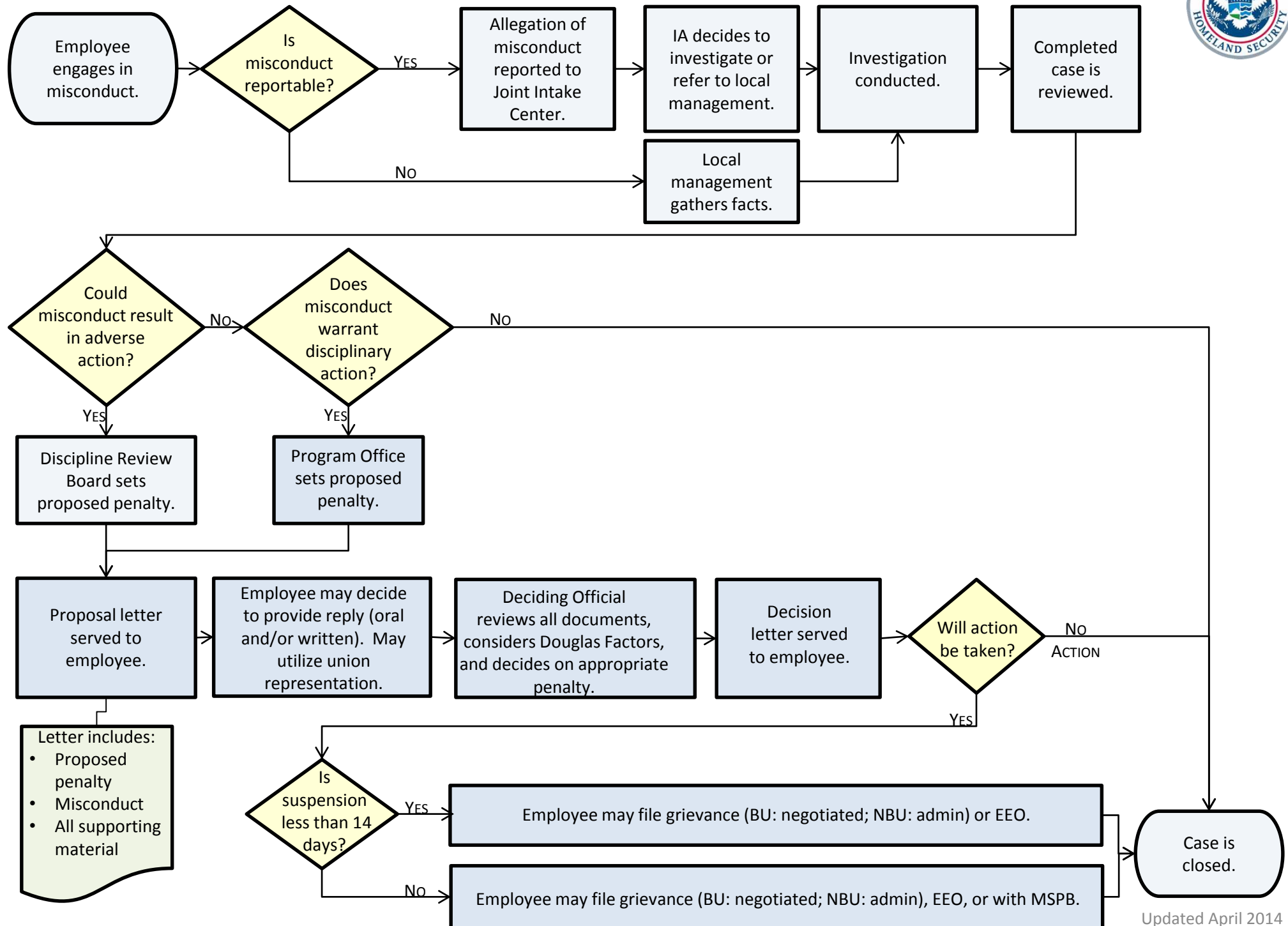
Discipline penalties are imposed to correct behavior and teach the employee and others that certain actions are unacceptable for an employee of U.S. Customs and Border Protection (CBP). Discipline also serves to demonstrate the expected high standards of conduct for CBP. Discipline, when imposed, should normally be progressive, beginning with the minimum discipline necessary to correct the offense, with subsequent misconduct treated with increasing severity. In addition, penalties should be reasonably consistent with those imposed on other employees for similar offenses. While the concept of progressive discipline is appropriate for most types of infractions, some (such as accepting a bribe) are so egregious that a single instance is sufficient to warrant removal from Federal service.

For less serious matters that do not rise to a level warranting formal discipline, informal discipline such as warning or counseling letters is the appropriate action. Informal discipline such as counseling can be considered an aggravating factor (or to demonstrate notice) when deciding the appropriate penalty in a subsequent formal disciplinary action. If a supervisor or manager anticipates such subsequent use they are well-advised to maintain written documentation.

Under CBP's centralized disciplinary process, the Office of Internal Affairs (IA) routes all completed reports of investigation to the Office of Human Resources Management, Labor and Employee Relations Directorate (LER). These investigative reports are reviewed by senior Employee Relations Specialists. If misconduct is substantiated by the investigation and the penalty is likely to warrant adverse action, the case is presented to CBP's Discipline Review Board (DRB). When cases warrant lesser disciplinary action (up to and including a 14 day suspension), the case is remanded to local management for appropriate action. This approach ensures that each case is given the proper review and analysis to support formal discipline and also allows LER to determine if patterns or trends exist in a particular location and/or among a set of employees.

The graphic on the following page shows the steps in the process starting with an allegation of misconduct.

Overview of CBP Discipline Process

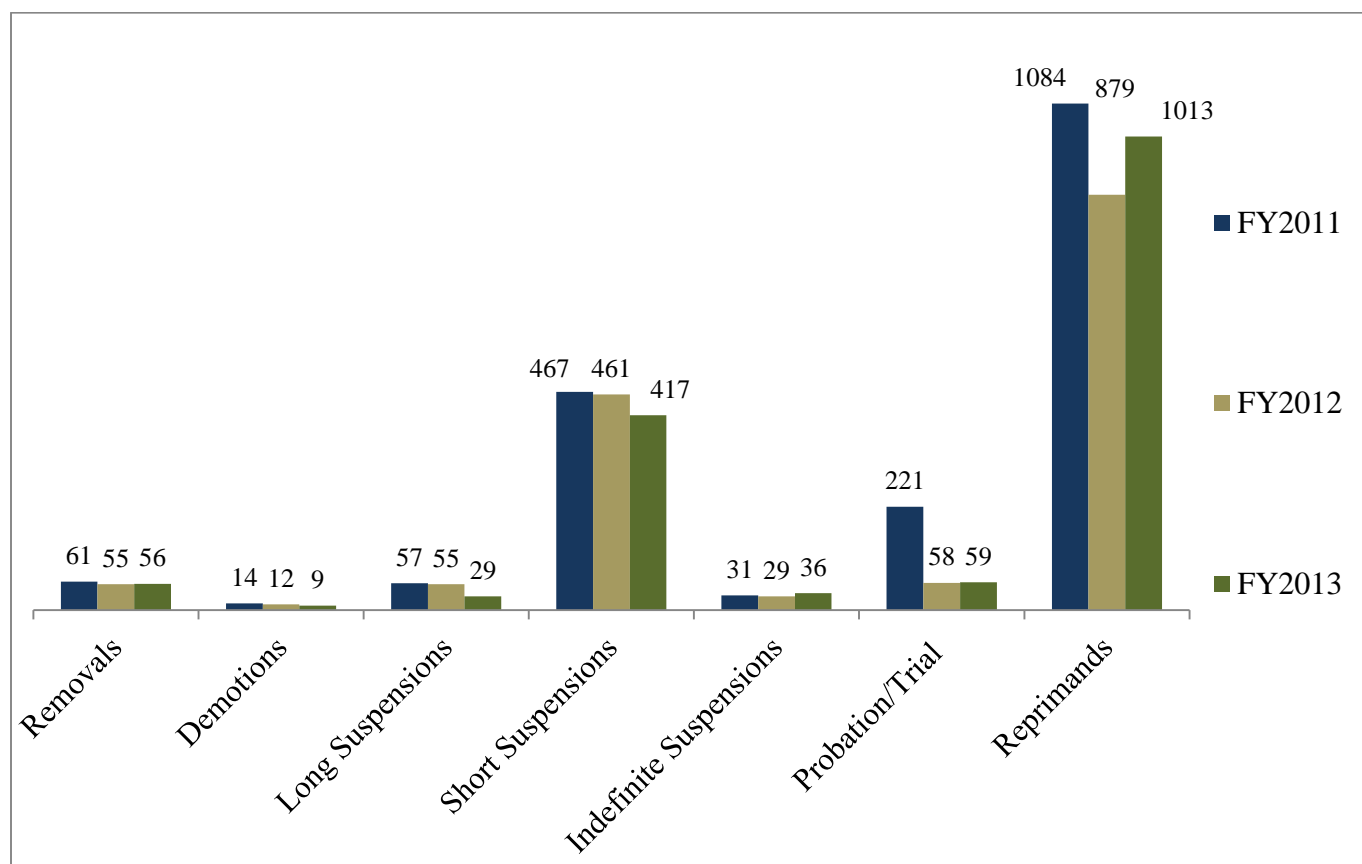


Agency Wide Actions

Fiscal Year (FY) 2011

In FY 2011, LER reviewed and processed 8,263 cases. This total represents an overall increase of 14 percent from FY 2010; however, adverse actions decreased. Of particular note is that probationary terminations increased by 49 percent. This dramatic increase is due to the dissolution of the Federal Career Intern Program which carried a two year trial period, and the creation of a new intern program which carries a one year probationary period. Demotions increased 100 percent, from seven in FY 2010 to 14 in FY 2011. Indefinite suspensions increased 63.1 percent, from 19 in FY 2010 to 31 in FY 2011, while disciplinary suspensions (14 days or less) increased by 5.6 percent.

Agency Wide Actions by Penalty Type FY 2011 through FY 2013



In FY 2011, LER processed 1,935 discipline actions impacting 3.3 percent of the CBP workforce. Written reprimands comprised 56 percent of the formal actions taken in FY 2011.

LER also processed 1,317 formal counseling letters and closed 5,011 cases without action. Ninety-three percent of the formal disciplinary and adverse actions processed were on employees from the Offices of Field Operations (OFO) and Border Patrol (OBP). (See Appendix 1)

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FY 2012

In FY 2012, overall discipline decreased 19.4 percent from FY 2011 and included decreases in both discipline and adverse actions. Probationary terminations decreased by 73.8 percent, demotions by 14.3 percent, removals by 9.8 percent, indefinite suspensions by 6.5 percent, adverse suspensions by 3.5 percent, and disciplinary suspensions by 1.3 percent.

LER processed 1,559 disciplinary actions impacting 2.6 percent of the CBP workforce. Written reprimands comprised 57 percent of the actions taken in FY 2012. LER also processed 1,104 formal counseling letters and closed 4,852 cases without action. Ninety-five percent of the actions processed were on employees from OFO and OBP.

(See Appendix 2)

FY 2013

In FY 2013, overall discipline increased by 3 percent over FY 2012. Removals and probationary terminations remained constant, while demotions, long suspensions, and short suspensions all decreased by 25 percent, 47 percent, and 9 percent, respectively. Indefinite suspensions increased 24 percent and written reprimands increased 13 percent.

LER processed 1,619 disciplinary actions impacting 2.7 percent of the CBP workforce. Written reprimands comprised 62 percent of the actions taken in FY 2013. LER also processed 1,248 formal counseling letters and closed 3,728 cases without action. Ninety-one percent of the actions processed were on employees from OFO and OBP.

(See Appendix 3)

Agency Wide Trends

Over the past three fiscal years, between 2.5 and 3.5 percent of the Agency's employees received formal discipline ranging from a written reprimand to removal. In FY 2011, the Agency saw a significant increase in disciplinary actions Agency-wide over FY 2010, while FY 2012 saw discipline decrease in every office that reported discipline in FY 2011.

In FY 2013, there was an overall increase in discipline; however, the majority of program offices experienced a decrease in discipline. In FY 2013, only OFO, OBP, the Office of Information and Technology, and the Office of Intelligence and Investigative Liaison (OIIL) saw modest increases in discipline, which accounted for a total of 50 more disciplinary actions than in FY 2012. Over the past three years, there has been a pattern of decreases in the number of demotions, long suspensions, and short suspensions.

Over the last three years, unprofessional conduct, loss or damage to government owned equipment, property/vehicles, and failure to follow policies, directives, or orders rank as the top types of misconduct for which employees receive disciplinary action each year.

Falsification, lack of candor, egregious unprofessional conduct, and misuse of the government vehicle rank as the types of misconduct that resulted in adverse action over the past three years.

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With few exceptions, the types of misconduct remain relatively static from year to year with Loss or Damage to Government Property/Vehicles and misconduct involving one's personal integrity leading the way in discipline and adverse actions respectively.

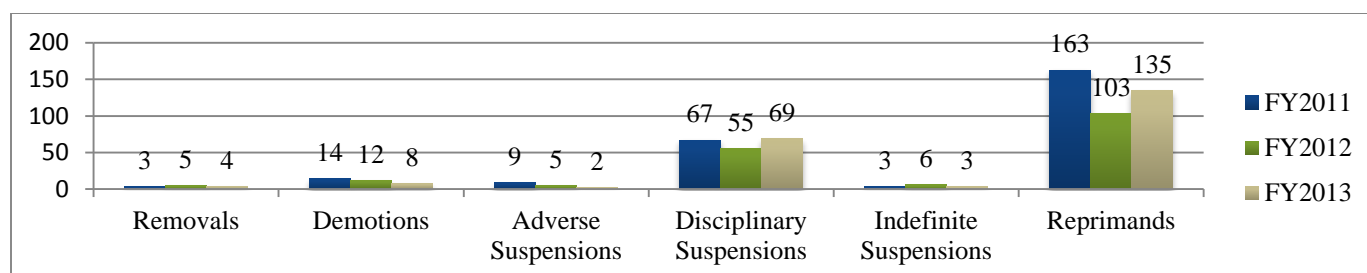
The following chart lists the most common types of misconduct charged against employees by year.

	Misconduct Resulting in Disciplinary Actions	Misconduct Resulting in Adverse Actions
FY2011	<ul style="list-style-type: none"> – Unprofessional/Discourteous Conduct – Failure to Follow Order/Directive/Policy – Absence Without Leave and Tardiness – Misuse of TECS – Unauthorized Use of Gov't Travel Card – Sleeping on Duty/Inattention to Duty – Misuse of Gov't Computer and Internet 	<ul style="list-style-type: none"> – False Statements/Lack of Candor – Unprofessional Conduct – Misuse of Position for Personal Gain – Neglect of Duty – Inappropriate Association – Misuse of Gov't-Owned Vehicle (GOV) – Criminal Misconduct
FY2012	<ul style="list-style-type: none"> – Loss or Damage to GOV – Loss or Damage to Gov't Property – Failure to Follow Order/Directive/Policy – Unprofessional/Discourteous Conduct – Absence Without Leave or Tardiness – Misuse of TECS – Unauthorized Use of Gov't Travel Card – Neglect of Duty 	<ul style="list-style-type: none"> – Failure to Follow Policies/Procedures/Instructions – False Statements/Lack of Candor – Inappropriate Association – Misuse of GOV, including Operating a GOV Under the Influence of Alcohol – Criminal Misconduct
FY2013	<ul style="list-style-type: none"> – Unprofessional/Discourteous Conduct – Loss or Damage to Gov't Property – Loss or Damage to GOV – Failure to Follow Order/Directive/Policy – Absence Without Leave or Tardiness – Neglect of Duty 	<ul style="list-style-type: none"> – Unprofessional Conduct – Falsification/Lack of Candor – Misuse of GOV – Failure to Follow Policies/Procedures/Instructions – Absence Without Leave or Tardiness – Misuse of Position/Authority – Neglect of Duty

Supervisory Discipline

During the three year period covered in this report, a total of 666 supervisors and managers received some form of discipline. While the non-supervisory population of CBP that receives discipline in a given year is between 2 and 3 percent of the total, the percentage of supervisors receiving discipline each year falls in a similar range.

Supervisory Discipline Type by Fiscal Year



FY 2011

In FY 2011, 259 supervisors were disciplined. This total remained steady compared to the previous two fiscal years. Demotions decreased nearly 100 percent, from 14 in FY 2010 to eight in FY 2011. Likewise, adverse suspension and reprimand decreased during the same period of time. Written reprimands made up over 62 percent of supervisory discipline in FY 2011.

FY 2012

In FY 2012, 186 supervisors received discipline. Overall, supervisory discipline decreased from 2.7 percent in FY2011 to 1.9 percent in FY 2012. Demotions, suspensions, and reprimands all decreased in FY 2012; however, removals increased by 66.7 percent, from three in FY 2011 to five in FY 2012, and indefinite suspensions increased 100 percent, from three in FY 2011 to six in FY 2012. Written reprimands made up over 54 percent of supervisory discipline in FY 2012.

FY 2013

Supervisory discipline increased in FY 2013 to 2.2 percent, representing a total of 221 supervisors. Adverse actions against supervisors decreased by 39.2 percent, from 28 in FY 2012 to 17 in FY 2013, while all disciplinary actions increased by 29.1 percent, from 158 in FY 2012 to 204 in FY 2013. Written reprimands made up 61 percent of supervisory discipline in FY 2013.

Supervisory Discipline Trends

Over the past three fiscal years, between 1.9 and 2.7 percent of the Agency's supervisors received formal discipline ranging in severity from a written reprimand to removal. Adverse suspensions and demotions have consistently decreased over the last three fiscal years. The number of supervisors removed from the Agency has been between three and five each year.

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The number of indefinite suspensions increased in FY 2012 (number doubled from three to six); however, in FY 2013, the number of indefinite suspensions returned to three. Supervisors have received disciplinary actions for improper storage or loss of government property; GOV accidents; failure to follow instructions, directives, and policies; and unprofessional behavior. Adverse suspensions and demotions are the result of supervisors engaging in the willful misuse of the GOV, unprofessional behavior or comments, and misuse of position. CBP supervisors are generally removed for lack of candor or falsification and more egregious forms of misuse of position and unprofessional behavior or comments. In general, the types of misconduct in which supervisors engage are similar to that of other employees in their program and or Agency-wide.

Indefinite Suspensions

An indefinite suspension is an adverse action in which an employee is placed in a temporary status without duties and pay pending investigation, inquiry, or further Agency action. As with any other adverse action, an employee against whom an indefinite suspension is proposed is entitled to at least 30 days advance written notice, unless there is reasonable cause to believe the employee has committed a crime for which a sentence of imprisonment may be imposed. In this case, only a seven day notice is required.

The majority of indefinite suspensions taken are in connection with a criminal indictment. In such cases, an agency must prove that it has reasonable cause to believe the employee has committed a crime that could result in a sentence of imprisonment. An agency's determination of reasonable cause must be based on information in its possession at the time of the determination, not on information gathered later. Additionally, the agency must provide a suspension terminating event (e.g., completion of its investigation) in its notice of suspension. In using this procedure, however, agencies must meet the "reasonable cause" standard imposed by the Merit Systems Protection Board (MSPB) and courts, and must terminate the suspension promptly upon completion of the event it identified when imposing the suspension; i.e., usually its own investigation or a criminal proceeding.

Once imposed, in general an employee will remain on indefinite suspension until the employee's continued absence from the work site is deemed no longer necessary and often coincides with the disposition of a disciplinary action. Finally, when imposing an indefinite suspension based on a belief that an employee has committed a crime for which he may be imprisoned, the agency must establish nexus and prove that the penalty is reasonable. However, when imposing an indefinite suspension based on a belief that an employee has committed a crime for which he could be imprisoned, the agency is not required to prove the underlying misconduct on which the belief is based.

CBP effects indefinite suspensions in two circumstances: 1) when the Agency has reasonable cause to believe that an employee has engaged in criminal behavior that could carry a sentence of imprisonment; and 2) when an employee's security clearance has been suspended or revoked and the security clearance is a requirement of the employee's position.

Indefinite Suspension Trends

Between FY 2011 and FY 2013, a total of 96 employees were indefinitely suspended. Indefinite suspension actions have remained consistent in OBP and the Office of Air and Marine (OAM) over the last three fiscal years, but have fluctuated in OFO. FY 2013 was the first fiscal year in which the Agency effected indefinite suspensions for employees whose security clearances had been revoked while the employee was appealing the revocation to the DHS Security Appeal Board.

FY 2011

In FY 2011, 30 out of the total of 31 CBP employees placed on indefinite suspension were frontline officers. Thirteen employees engaged in mission-related criminal misconduct, including making false statements to government officials, harboring illegal aliens, bribery, and smuggling. Nine employees engaged in criminal sexual behavior, with eight of those involving criminal sexual behavior with a minor. Six employees engaged in violent criminal behavior, including aggravated assault with a deadly

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weapon and murder. Of the 31 employees indefinitely suspended, 29 were gun carrying employees including two supervisors.

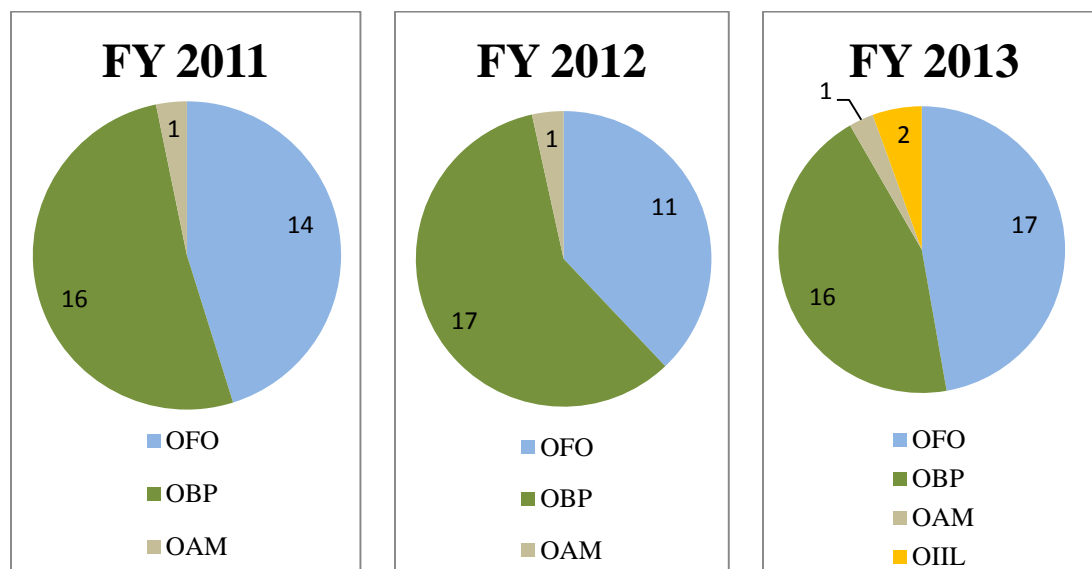
FY 2012

In FY 2012, 28 out of 29 employees placed on indefinite suspension were frontline officers. Seven employees engaged in mission-related criminal conduct, including making false statements to government officials, harboring illegal aliens, violating civil rights, bribery, and smuggling. Two employees engaged in alcohol-related criminal misconduct including driving under the influence with a child in the vehicle and driving under the influence resulting in death. Eight employees engaged in criminal sexual behavior including sexual crimes against minors, rape, and sexual assault. Six employees engaged in violent criminal misconduct including domestic violence and aggravated assault with a deadly weapon. Of the 29 employees indefinitely suspended, 27 were gun carrying employees including six supervisors.

FY 2013

In FY 2013, 33 out of 36 employees placed on indefinite suspension were frontline officers. Ten employees engaged in mission-related criminal conduct including making false statements to government officials, harboring criminals, and smuggling. One employee engaged in alcohol-related criminal misconduct including intoxicated assault with a motor vehicle. Eight employees engaged in criminal sexual behavior, including sexual crimes against minors, possession of child pornography, and sexual assault. Nine employees engaged in violent criminal misconduct, including domestic violence, battery of a police officer, disorderly conduct and brandishing a deadly weapon, and aggravated assault with a deadly weapon. Six employees were engaged in financial criminal conduct including wire fraud, bank fraud, embezzlement, and evading monetary reporting requirements. Of the 36 employees indefinitely suspended, 35 were gun carrying employees including three supervisors.

Indefinite Suspensions by Program Office



Drug-Free Work Place

CBP's policy is to maintain a strong drug-free workplace program, which complies with all laws and regulations, while protecting the privacy of employees. In connection with the Agency's mission to enforce our Nation's drug laws, the majority of CBP employees have direct responsibility and involvement with the interdiction of illegal narcotics. CBP employees are routinely exposed to illegal substances since their duties involve the investigation, apprehension, and detention of persons suspected of smuggling drugs. CBP is concerned with the well-being of its employees, successful accomplishment of Agency missions, and the need to maintain employee productivity. It is the responsibility of each CBP employee to comply with this policy.

The CBP Drug-Free Federal Workplace Program is effective for all positions designated as covered positions which include: employees with direct involvement in drug interdiction or enforcement of related laws; employees granted access to national security classified information (confidential, secret, or top secret security clearances); employees who are authorized to carry firearms; individuals serving under Presidential appointments; law enforcement officers as defined in 5 U.S.C. Sections 8331(20) and 8401(17); employees who have access to the Customs Law Enforcement Automated Systems (i.e., Cargo Selectivity module of the Automated Commercial System (ACS), Treasury Enforcement Communications System II (TECS II), SEACATS; and other positions that the Commissioner determines, which involve law enforcement, national security, the protection of life and property, public health or safety, or other functions requiring a high degree of trust and confidence.

Random Drug Testing

Random drug testing is conducted at a rate of no less than 10 percent of employees in testing designated positions (TDP) annually. Employees in TDPs are subject to random drug testing on a statistically equal basis no matter where their duty location; therefore, employees who are stationed at small duty stations have the same probability of being selected as those employees stationed at large duty stations. Individuals who are included in the Random Drug Testing Program are not suspected to be using illegal drugs. The selections are performed by a computer, and at no time are locations, offices, or employees targeted specifically for testing. The selection methodology has been designed to ensure equity in selection regardless of location, organization, type of position, or other factor.

Reasonable Suspicion Drug Testing

If an employee is suspected of using illegal drugs, the appropriate supervisor will gather all information, facts, and circumstances leading to and supporting this suspicion. When reasonable suspicion is believed to exist, the appropriate supervisor will promptly detail, for the record and in writing, the circumstances which form the basis for this belief. Reasonable-suspicion testing may be based upon, among other things: observable phenomena, such as direct observation of drug use or possession and/or the physical symptoms of being under the influence of a drug; a pattern of abnormal conduct or erratic behavior; arrest or conviction for a drug-related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use, or trafficking; or newly-discovered evidence that the employee tampered with a previous drug test.

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FY 2011

In FY 2011, CBP performed 5,651 random drug tests, which resulted in five employees testing positive for drug use. Additionally, CBP performed two reasonable suspicion drug tests, both of which resulted in the employee testing positive for drug use. Of the seven employees testing positive for drug use, four employees resigned, one employee was removed, and one employee was exonerated because he was unknowingly taking an herbal supplement containing THC. As of the date of this report, one employee was pending removal.

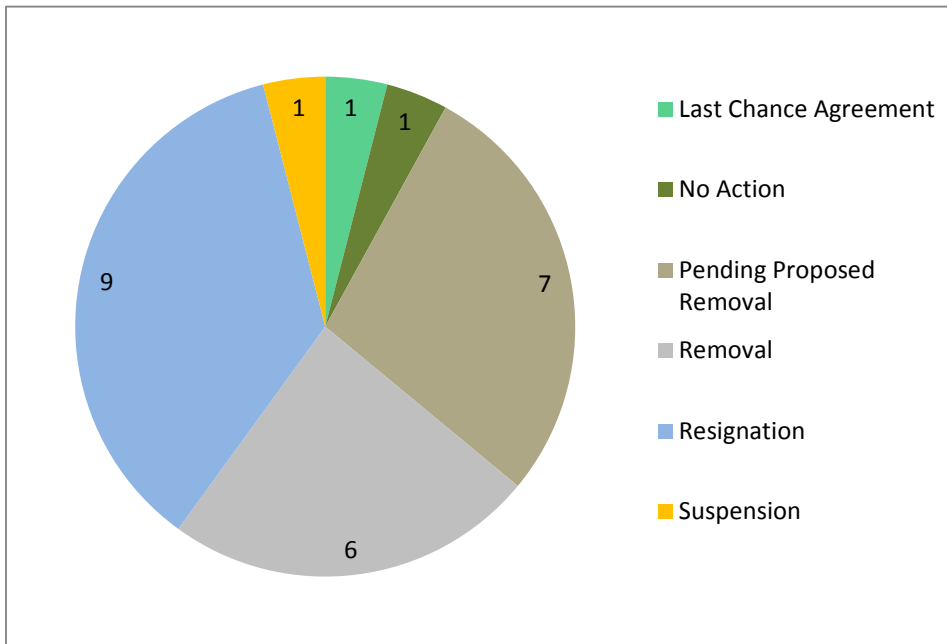
FY 2012

In FY 2012, CBP performed 6,078 random drug tests, which resulted in eight employees testing positive for drug use. Additionally, CBP performed eight reasonable suspicion drug tests, two of which resulted in the employee testing positive for drug use. Of the 10 employees testing positive for drug use, two employees resigned, four employees were removed, one employee received a last chance agreement, and three employees were pending proposed removals as of the date of this report. Three employees tested positive for amphetamines/methamphetamines, three for marijuana, two for cocaine, and one for morphine. One of the positive results was due to a refusal to submit to the test. Nine of the 10 employees who tested positive for drug use were male, and the average age was 38 years old.

FY 2013

In FY 2013, CBP performed 6,188 random drug tests which resulted in six employees testing positive for drug use. Additionally, CBP performed 23 reasonable suspicion drug tests, two of which resulted in the employee testing positive for drug use. Of the eight employees testing positive for drug use, three employees resigned, one employee was removed, three employees were pending proposed removals as of the date of this report, and one employee received a five-day suspension. Two employees tested positive for amphetamines/methamphetamines, one for marijuana, and three for cocaine. Two of the positive results were due to the employee refusing to submit to the test. Six of the eight employees who tested positive for drug use were male, and the average age was 38 years old.

Positive Drug Test Results – FY 2011 to FY 2013



Terminations During Probationary/Trial Period

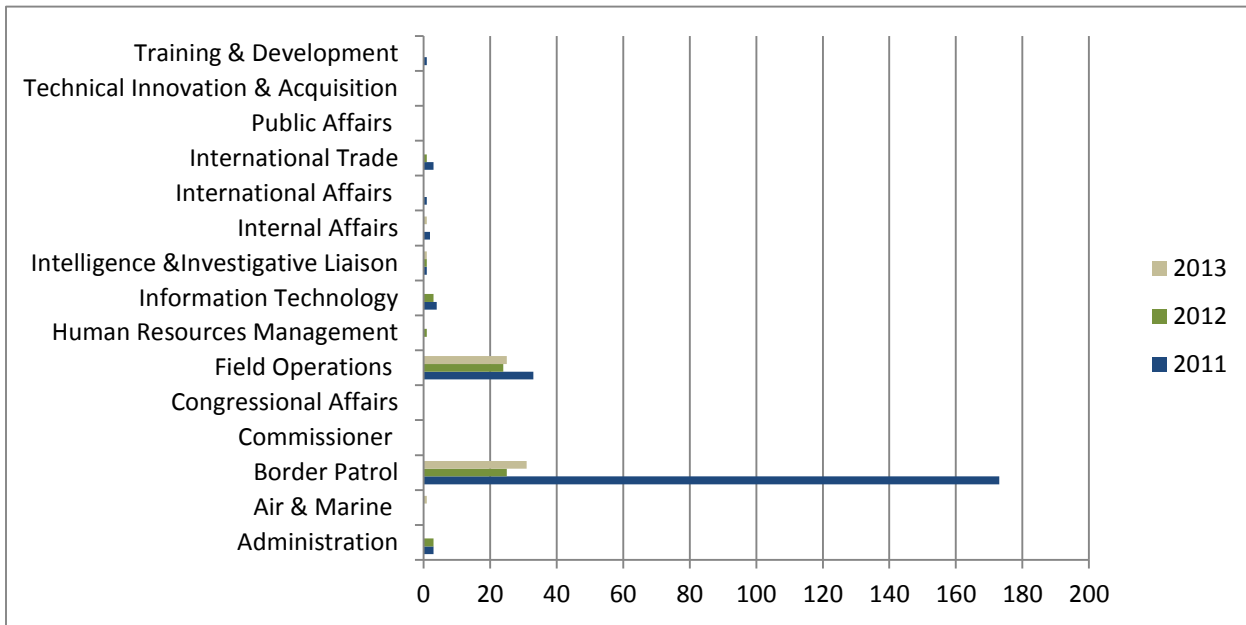
The probationary/trial period is the final step in the examination process of a new employee. The probationary period can be a highly effective tool to evaluate a candidate's potential to be an asset to an agency before an appointment becomes final. However, for the probationary period to be used effectively, agencies must understand when an individual is considered to have full procedural and appeal rights, regardless of any probationary status.

Until the probationary period has been completed, a probationer is technically still an applicant for an appointment. The term "probationary period" generally applies to employees in the competitive service. "Trial Period," by contrast, generally applies to employees in the excepted service, as well as to some appointments in the competitive service, such as term appointments, which have a one-year trial period set by the Office of Personnel Management. The term "probation" is also used to refer to the one-year trial period served by individuals who are newly appointed to supervisory positions.

During this period, probationary employees can be terminated for any perceived deficiency in performance or conduct, with minimal procedural requirements and without the need to meet the stringent "efficiency of the service" standard that governs the removal of tenured employees. However, a probationary employee does have some limited appeal rights to the MSPB.

Probationary Terminations by Program Office

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Probationary and Trial Period Trends

In FY 2011, CBP experienced a significant increase in the number of probationary terminations effected, due to the issuance of Executive Order (EO) 13562, which states “Effective March 1, 2011, Executive Order 13162 (Federal Career Intern Program) is superseded and revoked. Any individuals serving in appointments under that order on March 1, 2011, shall be converted to the competitive service, effective on that date, with no loss of pay or benefits.” Based on the new EO, all CBP interns hired under the Federal Career Intern Program (FCIP), who had completed at least one year of the two year FCIP trial period, were to be converted to competitive service effective March 1, 2011. Therefore, prior to March 1, 2011, CBP managers evaluated FCIP interns to determine whether their continued employment was in the best interest of the Agency, based on the interns’ behavior and performance. Seventy-eight percent (173) of probationary termination in FY 2011 were affected by OBP followed by OFO with 15 percent. Please refer to Appendices 3 and 4 for a respective breakdown of terminations by Sector and Field Office.

In the two fiscal years since the termination of the FCIP program, the number of probationary terminations has decreased significantly and is likely attributed to a 53 percent decrease in hiring since FY 2011.

Discipline Review Board (DRB)

The Employee Relations (ER) Division of LER serves as a strategic partner alongside senior managers and supervisors in maintaining workforce discipline and meeting the Agency's integrity assurance goals. The primary responsibility of the ER Division is to oversee the efficiency, productiveness, and effectiveness of the nation-wide DRB. This includes ensuring that the DRB reviews allegations of serious misconduct in a fair and consistent manner, and that employee rights are preserved throughout.

The DRB program has been in place since 1999, and the process has been reviewed and modified to accommodate CBP's rapid growth and to meet the Agency's interests in completing these administrative actions as expeditiously as possible. The DRB consists of senior managers from all CBP offices, with a charter to provide a fair and unbiased review of CBP's most serious cases of misconduct, to include criminal violations and those that involve integrity-based mission critical misconduct. The DRB members review the evidence and bring their operational and managerial expertise and knowledge to the case discussions.

DRB members are selected by their respective Assistant Commissioners and the Chief, OBP, from among GS-14, GS-15, and Senior Executive Service (SES) managers and supervisors. All Assistant Commissioners, including the Chief, OBP, are eligible to serve as DRB members. The number of DRB members designated from each organization will be based on organizational size and disciplinary activity. The DRB members serve at the discretion of their respective Assistant Commissioners and the Chief, OBP.

A DRB panel consists of three members. Each DRB panel member occupies a position at a grade level equivalent to, or higher than, the grade level of the employee whose conduct is being reviewed. At least one DRB panel member is from an organization other than the organization of the employee whose conduct is being reviewed. DRB panels convene every three weeks; however, ad hoc DRBs are scheduled off-cycle to address high-profile or criminal cases. These ad hoc DRBs allow such cases to "go to the head of the line" and be addressed quickly. LER specialists work closely with Office of Chief Counsel (OCC) to ensure that the administrative cases are legally sufficient and that any proposed charges are defensible as they move through the process.

FY 2011

In FY 2011, senior ER Specialists in the ER Division reviewed 1,899 cases received for DRB Intake. Eighty-nine percent of cases reviewed by DRB Intake were remanded to the Field Services Division (Field LER) for appropriate local program action. A total of 214 cases were presented to 24 DRB panels. This is a 21 percent decrease from the previous fiscal year. In total, 214 cases were presented to the DRB and resulted in proposals of: 134 removals; 10 demotions; 42 adverse suspensions; 15 disciplinary suspensions; four written reprimands; and three counseling letters. Six cases presented to the DRB were closed without further actions.

In FY 2011, 44 cases, or 20.5 percent of cases, presented to the DRB were on supervisors. Of these cases, the DRB proposed 18 removals, 10 demotions, six adverse suspensions, and four disciplinary suspensions. Two supervisors received written reprimands, one received a counseling letter, and three cases were closed without actions from the DRB.

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FY 2012

In FY 2012, DRB Intake reviewed 1,810 cases and remanded 87 percent of those cases to Field LER for appropriate disciplinary action by field management. However, 233 were presented to 21 DRB panels, including five ad hoc DRBs, an increase of 8 percent from FY 2011. Of the 233 case presented to the DRB, the board proposed 95 removals, nine demotions, 61 adverse suspensions, and 28 disciplinary suspensions. Additionally, the DRB issued five written reprimands and three counseling letters. Thirty-two cases presented to the DRB were closed without further action. Proposed removals remained relatively static, while adverse suspensions increased by 45 percent.

Thirty-eight cases, or 16.3 percent of cases, presented to the DRB were on supervisors, a decrease of 20.5 percent from FY 2011. The DRB proposed 13 removals, nine demotions, and nine suspensions. The DRB exercised its discretion on the other seven cases by issuing written reprimands, counseling letters, or finding no action was merited. The supervisors who had cases presented to the DRB had an average of 18.7 years of service, and 36.3 percent had prior discipline.

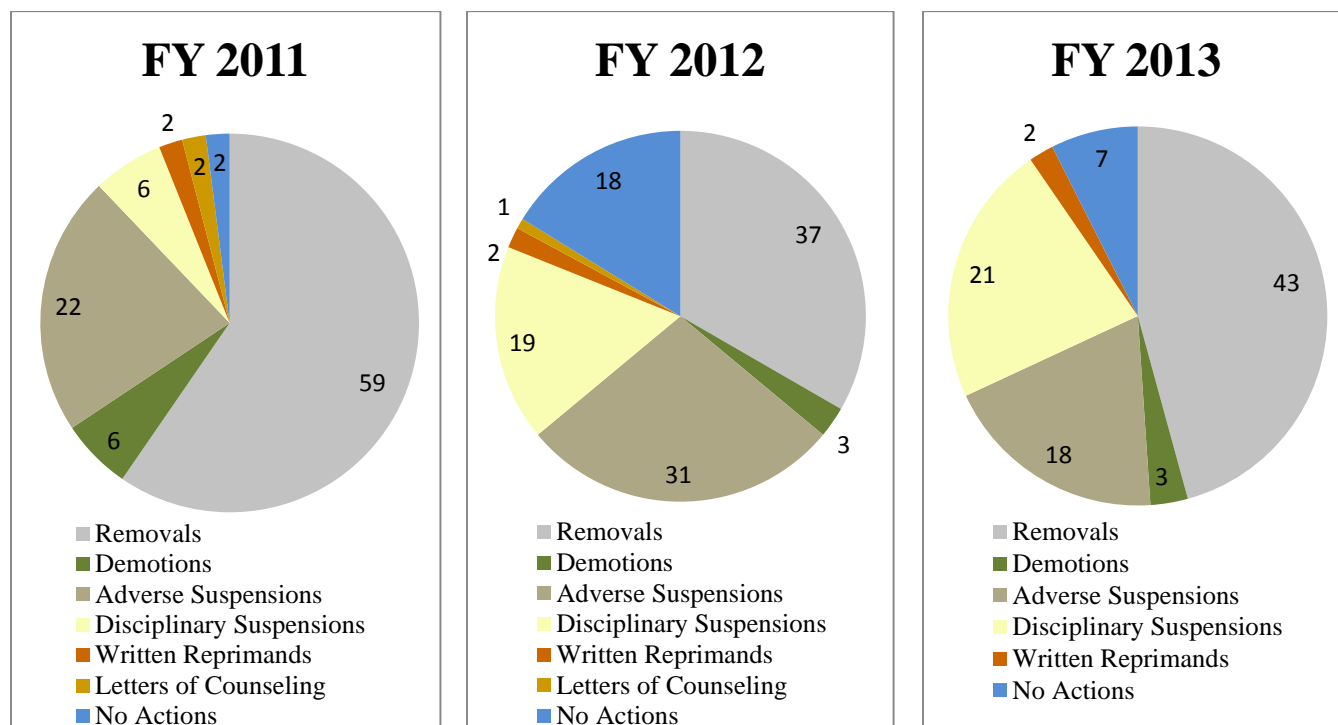
FY 2013

In FY 2013, DRB Intake reviewed 1,649 cases and remanded 88 percent to Field LER for appropriate disciplinary action by field management. Twenty-three DRB panels, including six ad hoc DRBs, heard 192 cases, representing a 17.5 percent decrease in the number of cases presented to the DRB as compared to FY 2012. Of the 192 case presented to the DRB, the board proposed 92 removals, seven demotions, 46 adverse suspensions, and 29 disciplinary suspensions. As well, the DRB issued four written reprimands and four counseling letters. Ten cases presented to the DRB were closed without further action.

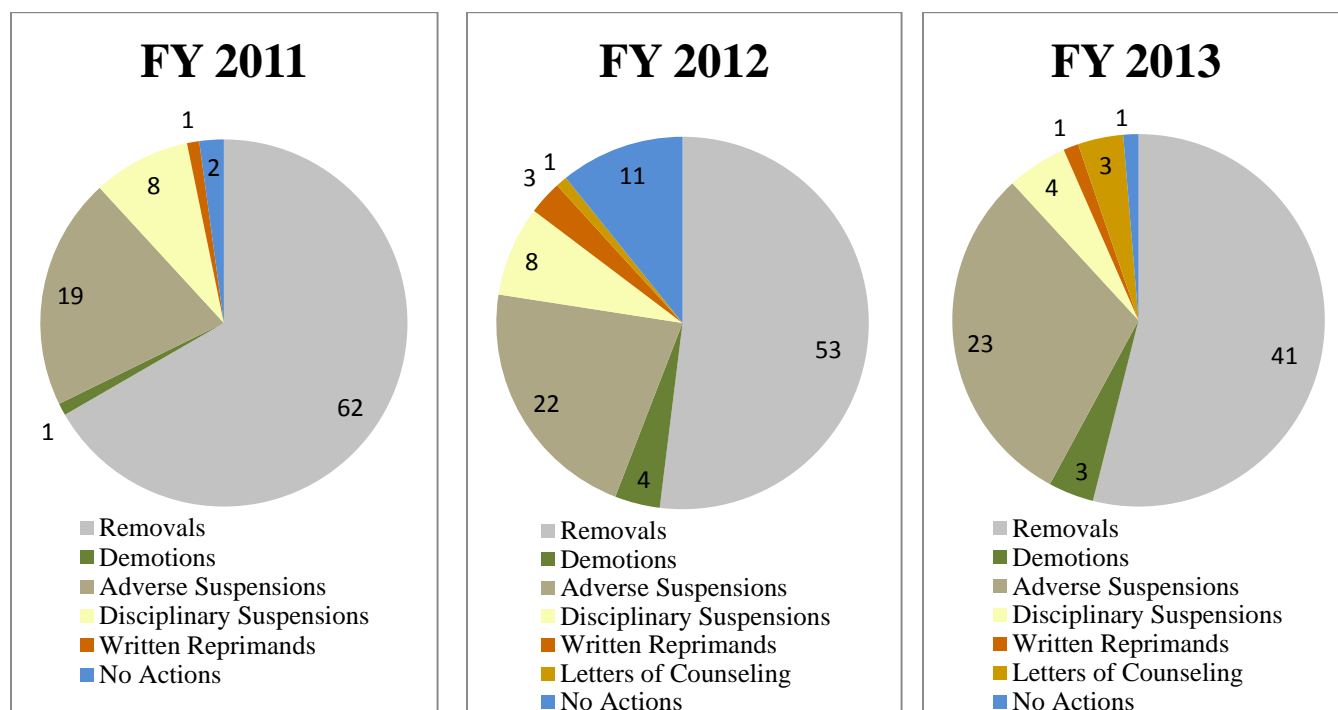
In FY 2013, 48 cases, or 25 percent of cases, of the total cases presented to the DRB were on supervisors, a significant increase from FY 2012. The DRB proposed 20 removals, seven demotions, eight adverse suspensions, and seven disciplinary suspensions. The DRB issued written reprimands to three supervisors and three cases were closed without action by the DRB.

LER Discipline Analysis Report Fiscal Years 2011-2013

OBP DRB Cases



OFO DRB Cases



LER Discipline Analysis Report Fiscal Years 2011-2013

DRB Case Timeliness

Despite the fact that the number of cases reviewed by DRB Intake and subsequently presented to the DRB has decreased 17.5 percent over the past three years, the amount of time to work a DRB case in FY 2013 increased significantly; an increase of 87.1 days compared to FY 2012 and over 106 days compared to FY 2010. The number of days from DRB to the proposal letter being sent to OCC for review was the least in 2011 at 13.9 days, which was just below the ER Division proscribed timeline of 14 days. In FY 2013, this number increased to 37.8 days.

A number of factors can contribute to the decrease in timeliness. Over the past two years, the ER Division has experienced a 40 percent reduction in staff to retirement and employees leaving for different opportunities in other agencies. Additionally, while suffering a staffing shortage, DRB Intake has seen an increase in the number and complexity of the cases they must adjudicate before a decision is made to present to the DRB. A final and significant contributing factor to the decrease in timeliness over the years is the overall experience level of the ER staff. Given the turnover in recent years, the average experience has remained constant with the current staff averaging slightly less than five years. The complexity of the work and the changing case law make it challenging for the relatively inexperienced staff to timely manage the volume and complexity of the work, whereas more seasoned specialists are generally better able to process cases because of their experience and knowledge.

The majority of cases presented to the DRB are no longer simple cases of extreme Absence Without Leave or Misuse of the Government Travel Card. In the last three fiscal years, the majority of cases presented to the DRB involve more complex misconduct; more complex evidence; and more in depth research and case law analysis to ensure that a sustainable action is proposed.

Average Number of Days for:	FY 2010	FY 2011	FY 2012	FY 2013
DRB to Counsel	14.9 days	13.9 days	31.9 days	37.8 days
Counsel Review	16.4 days	16.3 days	21.8 days	26.6 days
DRB to Issuance of Proposal	46.9 days	47.8 days	70.6 days	78.4 days
DRB to Final Decision	151.6 days	168.2 days	170.8 days	257.9 days
DRB Cases Received	273	214	233	192

Adverse Action Working Group (AAWG)

Over the past couple of years, HRM conducted a study of CBP's adverse action process and recommended ways to enhance the administration of the process, including refining CBP's DRB. The study included surveys of DRB members and Deciding Officials and interviews with outside law enforcement agencies and employee representatives. The study validated the DRB process as a whole while identifying opportunities for improvement. The AAWG has recommended ways to enhance the administration of that process, including refining CBP's DRB. The results of the AAWG study were presented to Acting Commissioner Winkowski in August 2013. Acting Commissioner Winkowski was supportive of the AAWG's recommendations and requested that the group identify those cases that would be presented to a newly created "Integrity DRB."

The AAWG has defined integrity-related, mission-critical misconduct and based on historical data, estimated the number of cases that will go before the Integrity DRB. The AAWG has also outlined the structure of the Integrity DRB, to include notional revisions to the current DRB Directive and Delegated Authority for Discipline and Adverse Actions.

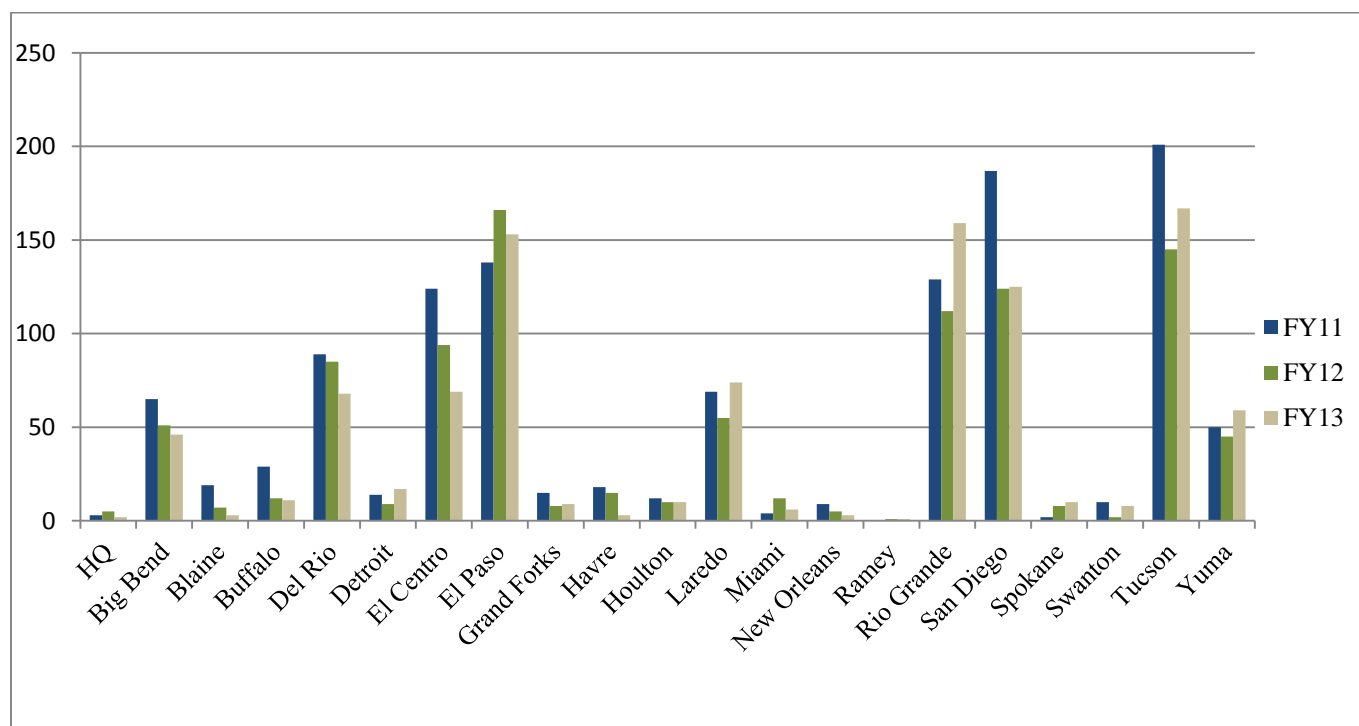
Office of Border Patrol

In FY 2011, OBP experienced a 17 percent increase in overall discipline, which included a 75 percent increase in probationary terminations and a 300 percent increase in indefinite suspensions. Removals, on the other hand, remained relatively constant from the previous fiscal year. Written reprimands accounted for 54.5 percent of actions taken. In FY 2012, OBP experienced a 17.4 percent decrease in overall discipline, including an 86.1 percent decrease in probationary terminations. Again, removals remained constant, and there was only a slight increase of indefinite suspensions, from 16 in FY 2011 to 17 in FY 2012. Written reprimands accounted for 59.2 percent of actions taken. In FY 2013, OBP saw a small increase in overall actions, with a 24 percent increase in probationary and trial period terminations and a 6 percent increase in written reprimands. Written reprimands accounted for 61.6 percent of actions taken.

Overall Discipline

FY	Removals	Demotions	Probation Trial	Disciplinary Suspensions	Adverse Suspensions	Indefinite Suspensions	Reprimands	TOTAL
2011	24	11	173	285	30	16	648	1,187
2012	24	6	25	304	24	17	571	971
2013	25	4	31	290	19	16	618	1,003

Sector Comparison



OBP Trends

Overall discipline amongst OBP employees has remained relatively consistent, except for the high number of probationary terminations in FY 2011. The number of removals and indefinite suspensions has been static over the last three fiscal years. Demotions and adverse suspensions have decreased each year since FY 2011. Disciplinary suspensions saw a slight increase in FY 2012, but then decreased again in FY 2013. Written reprimands decreased in FY 2012, but increased in FY 2013. The number of DRB cases presented on OBP employees has fluctuated back and forth by about 10 to 15 percent each year. Please refer to appendices 6 through 8 for a breakdown of the overall results of OBP discipline.

The top three types of misconduct that OBP employees engage in have remained consistent over the last three fiscal years, and include:

- 1) Government Vehicle Accidents;
- 2) Damage to or Loss of Government Equipment; and
- 3) Failure to Follow Policies or Procedures.

Big Bend, Blaine, Buffalo, Del Rio, El Centro, Havre, and New Orleans Sectors have all experienced a continued decrease in overall discipline over the last three years.

El Paso, Rio Grande Valley, San Diego, and Tucson Sectors collectively make up the majority (between 56 and 60 percent) of the discipline in the OBP.

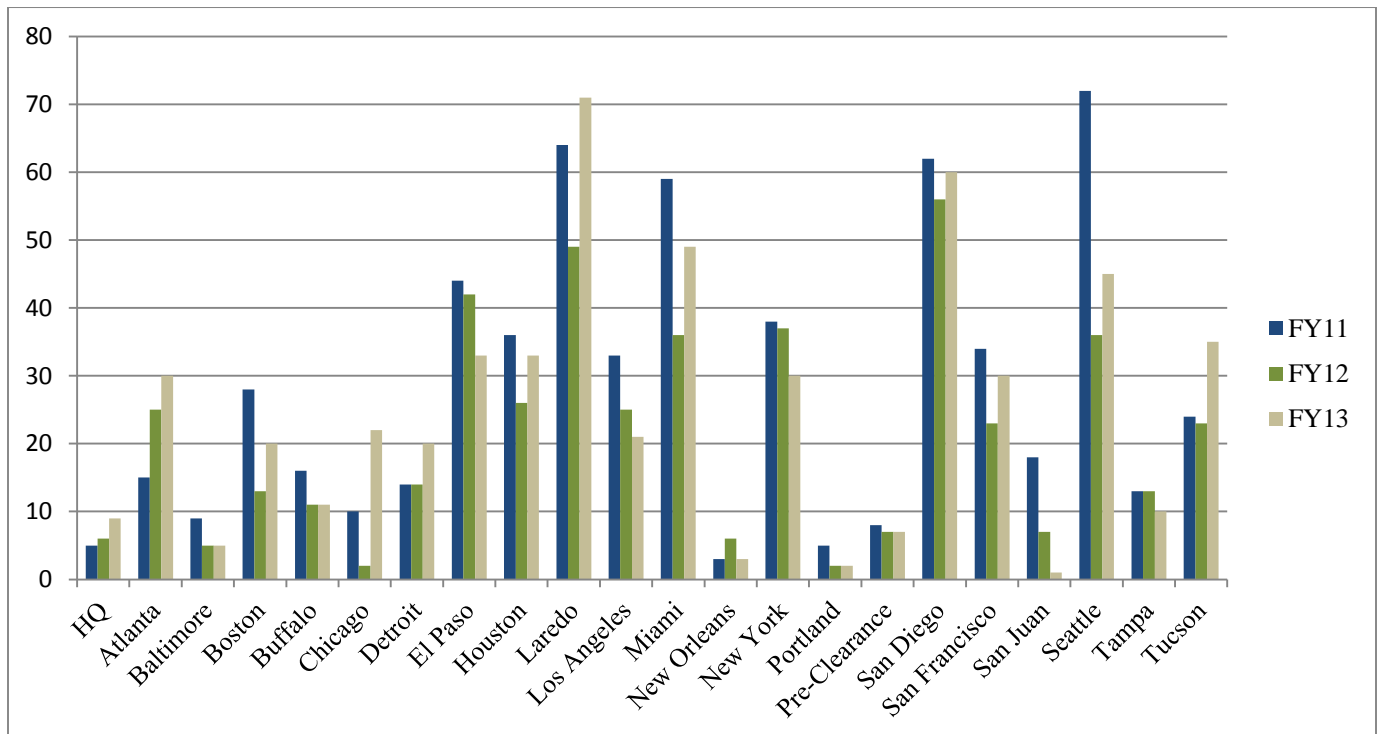
Office of Field Operations (OFO)

In FY 2011, the percentage of OFO employees disciplined was 2.22 percent; however, the percentage remained below 2 percent in FYs 2012 and 2013, at 1.8 percent and 1.9 percent, respectively. In FY 2011, written reprimands accounted for 60.4 percent of all OFO actions taken; 54.6 percent in FY 2012 and 65.5 percent in FY 2013. In FY 2011, there was a slight increase in overall discipline, which can be accounted for by a 17 percent increase in written reprimands. Additionally, in FY 2011, actions in Tucson and San Diego decreased, while actions in New York increased. In FY 2012, there was a decrease in all types of actions except demotions, which doubled. In FY 2013, there was a 54 percent increase in indefinite suspension and a 33 percent increase in written reprimands. Please refer to appendices 9 through 11 for a detailed breakdown of discipline by Field Office for the past three years.

Overall Discipline

FY	Removals	Demotions	Probation Trial	Disciplinary Suspensions	Adverse Suspensions	Indefinite Suspensions	Reprimands	TOTAL
2011	29	2	33	138	25	14	369	610
2012	28	4	24	132	24	11	269	492
2013	26	4	25	106	11	17	358	546

Field Office Comparison



OFO Trends

Overall discipline amongst OFO employees fluctuated from 610 actions in FY 2011 to 492 actions in FY 2012, and increased to 547 actions in FY 2013. The number of removals has remained static over the last three fiscal years. Disciplinary and adverse suspensions have decreased each year since FY 2011. Written reprimands decreased in FY 2012, but increased in FY 2013.

The top three types of misconduct that OFO employees engage in has remained consistent over the last three fiscal years, and include:

- 1) Unprofessional Conduct;
- 2) Failure to Follow Policies and Procedures; and
- 3) Damage to or Loss of Government Equipment.

The El Paso, Los Angeles, New York, and San Juan Field Offices have experienced decreases in overall discipline over the last three fiscal years.

The Atlanta Field Office and OFO Headquarters both experienced modest increases in overall discipline over each of the last three fiscal years.

Moving Forward

The near future has a number of exciting prospects on the horizon for LER and the Agency's discipline program with process improvements in data analysis and DRB case processing that will help to improve timeliness and consistency in decisions.

LER has begun using an automated system for its discipline case tracking and analysis of data utilizing the Human Resources Business Engine (HRBE) platform; developed by HRM's Business Process Solutions Division (BPS).

Exploiting HRBE's full potential is essential to helping LER analyze the large workload that it processes each year. In the near future LER will be able to more easily identify misconduct trends that can be addressed either through education and/or new policies, track successes, and monitor the consistency of actions across the country to name a just a few of the areas in which HRBE will assist management moving forward. For example, BPS recently completed a HRBE dashboard for senior management. The dashboard displays historical information alongside current data to assist in providing the viewer a snapshot of LER cases and processes quickly and easily.

Also, at the time of this reports publication, recommendations are being considered that will likely improve the timeliness of DRB actions and promote greater consistency in final decisions.

Conclusion

The overall number of discipline/adverse actions has fluctuated modestly over the last three fiscal years. Removals have remained relatively static, while demotions, disciplinary suspensions, and adverse suspensions have decreased. Additionally, the percentage of written reprimands has increased over the last three fiscal years, from 56 percent in FY 2011 to 57 percent in FY 2012 to 62 percent in FY 2013. This is an encouraging trend as it shows management is addressing issues and using the least severe type of formal disciplinary action to correct behavior.

Indefinite suspensions saw a five-year high in FY 2013, with 36 indefinite suspensions. The types of misconduct most commonly seen in both disciplinary and adverse actions have stayed the same over the last three fiscal years. An area of developing national law is the legalization of marijuana and medical marijuana. Future reports may see a rise in related misconduct cases where an employee is associating with marijuana users.

With rescission of the Federal Career Intern Program in 2011, terminations during an employee's probationary period have remained steady at 58 in FY 2012 and 59 in FY 2013. The upcoming anticipated hiring of 2,000 additional frontline staff will likely lead to an increase in probationary terminations in FY 2015.

Overall supervisory discipline had remained steady for the last three fiscal years, with minor fluctuations between the types of discipline taken. The number of cases reviewed by DRB Intake has decreased over the past three fiscal years, and the number of cases presented to the DRB in FY 2013 reached a five-year low of 192 cases. While the number of cases presented to the DRB has decreased significantly, the timeliness of DRB actions has also decreased significantly.

The largest Border Patrol Sectors (Tucson, Rio Grande Valley) and the largest Port Locations (Laredo, San Diego) saw the greatest number of disciplinary actions over the last three fiscal years. Loss or Damage to Government Vehicles and Unprofessional Conduct are the most common type of misconduct for OBP and OFO, respectively.

The timeliness of DRB case processing is a matter of serious concern to both LER management and its customers and is actively being addressed internally. This, coupled with aforementioned process improvement recommendations by the AAWG and LER's use and expansion of the benefits the HRBE system offers by way of analysis and data management, will all contribute to a reduction in overall case processing time and increased efficiencies.

Despite issues with the timeliness of DRB actions and a few noted anomalies (i.e., rescission of the FCIP leading to a spike in FY 2011 terminations), the average percentage of employees who received formal discipline over the last three years is less than 3 percent. Although ongoing education of supervisors and the workforce is essential to maintaining a disciplined workforce, in consideration of the size and complexities of CBP's law enforcement mission, CBP has much to be proud of its dedicated and diligent employees.

Appendices

Appendix 1

Agency-Wide Discipline

FY 2011

Office	Removals	Demotions	Adverse Suspensions	Disciplinary Suspensions	Indefinite Suspensions	Probation/Trial	Reprimands	Total	% of Population
Administration	1	0	0	2	0	3	3	9	0.98%
Air & Marine	4	1	1	18	1	0	34	59	3.19%
Border Patrol	24	11	30	285	16	173	648	1,187	5.27%
Commissioner	0	0	0	0	1	0	0	1	0.85%
Field Operations	29	2	25	138	14	33	369	610	2.22%
Human Resources Management	1	0	0	8	0	0	7	16	2.69%
Information & Technology	1	0	0	2	0	4	10	17	0.96%
Intelligence & Investigative Liaison	0	0	0	1	0	1	2	4	1.50%
Internal Affairs	0	0	0	4	0	2	7	13	2.10%
International Affairs	0	0	0	1	0	1	0	2	1.08%
International Trade	0	0	0	0	0	3	0	3	0.29%
Public Affairs	0	0	0	2	0	0	0	2	2.15%
Technology Innovation & Acquisition	0	0	0	0	0	0	0	0	0.00%
Training & Development	1	0	0	6	0	1	4	12	1.56%
Total	61	14	56	467	32	221	1,084	1,935	3.32%

LER Discipline Analysis Report Fiscal Years 2011-2013

Appendix 2

Agency-Wide Discipline

FY 2012

Office	Removals	Demotions	Adverse Suspensions	Disciplinary Suspensions	Indefinite Suspensions	Probation/ Trial	Reprimands	Total	% of Population
Administration	0	0	1	0	0	3	1	5	0.4%
Air & Marine	3	2	2	14	1	0	16	38	2.1%
Border Patrol	24	6	24	304	17	25	571	971	4.2%
Commissioner	0	0	0	0	0	0	0	0	0.0%
Congressional Affairs	0	0	0	0	0	0	0	0	0.0%
Field Operations	28	4	24	132	11	24	273	496	1.8%
Human Resources Management	0	0	0	1	0	1	4	6	1.1%
Information & Technology	0	0	1	1	0	3	6	11	0.5%
Intelligence & Investigative Liaison	0	0	0	0	0	1	0	1	0.4%
Internal Affairs	0	0	0	3	0	0	3	6	1.0%
International Affairs	0	0	1	0	0	0	0	1	0.6%
International Trade	0	0	0	1	0	1	0	2	0.6%
Public Affairs	0	0	0	0	0	0	0	0	0.0%
Technology Innovation & Acquisition	0	0	0	1	0	0	0	1	0.6%
Training & Development	0	0	2	4	0	0	5	11	1.8%
Total	55	12	55	461	29	58	879	1,549	2.6%

LER Discipline Analysis Report Fiscal Years 2011-2013

Appendix 3

Agency-Wide Discipline

FY 2013

Office	Removals	Demotions	Adverse Suspensions	Disciplinary Suspensions	Indefinite Suspensions	Probation/ Trial	Reprimands	Total	% of Population
Administration	1	0	0	2	0	0	1	4	0.3%
Air & Marine	2	1	0	8	1	1	14	27	1.5%
Border Patrol	25	4	19	290	16	31	618	1,003	4.3%
Commissioner	0	0	0	0	0	0	0	0	0.0%
Congressional Affairs	0	0	0	0	0	0	0	0	0.0%
Field Operations	26	4	10	106	17	25	358	546	1.9%
Human Resources Management	0	0	0	1	0	0	0	1	0.1%
Information & Technology	2	0	0	5	0	0	15	22	0.9%
Intelligence & Investigative Liaison	0	0	0	1	2	1	0	4	1.5%
Internal Affairs	0	0	0	1	0	1	0	2	0.3%
International Affairs	0	0	0	0	0	0	0	0	0.0%
International Trade	0	0	0	0	0	0	0	0	0.0%
Public Affairs	0	0	0	0	0	0	0	0	0.0%
Technology Innovation & Acquisition	0	0	0	0	0	0	0	0	0.0%
Training & Development	0	0	0	3	0	0	7	10	1.8%
Total	56	9	29	417	36	59	1,013	1,619	2.7%

Appendix 4

OBP Probationary Terminations by Sector

FY 2011	Probation/Trial
HQ	0
Blaine	3
Buffalo	2
Del Rio	16
Detroit	5
El Centro	10
El Paso	15
Grand Forks	2
Havre	3
Houlton	2
Laredo	12
Marfa	6
Miami	0
New Orleans	0
Ramey	0
Rio Grande	23
San Diego	26
Spokane	0
Swanton	3
Tucson	36
Yuma	9
Total	173

FY 2012	Probation/Trial
HQ	0
Big Bend	3
Blaine	0
Buffalo	0
Del Rio	5
Detroit	0
El Centro	0
El Paso	2
Grand Forks	0
Havre	0
Houlton	0
Laredo	0
Miami	0
New Orleans	0
Ramey	0
Rio Grande Valley	2
San Diego	3
Spokane	0
Swanton	0
Tucson	8
Yuma	2
Total	25

FY 2013	Probation/Trial
HQ	0
Big Bend	1
Blaine	0
Buffalo	0
Del Rio	1
Detroit	0
El Centro	2
El Paso	3
Grand Forks	0
Havre	0
Houlton	0
Laredo	3
Miami	0
New Orleans	0
Ramey	0
Rio Grande Valley	16
San Diego	0
Spokane	0
Swanton	0
Tucson	2
Yuma	3
Total	31

Appendix 5

OFO Probationary Terminations by Field Office

FY 2011	Probation/Trial
HQ	0
Atlanta	2
Baltimore	1
Boston	2
Buffalo	0
Chicago	0
Detroit	0
El Paso	4
Houston	1
Laredo	3
Los Angeles	0
Miami	2
New Orleans	0
New York	3
Portland	0
Pre-Clearance	0
San Diego	7
San Francisco	0
San Juan	1
Seattle	4
Tampa	0
Tucson	3
Total	33

FY 2012	Probation/Trial
HQ	1
Atlanta	1
Baltimore	0
Boston	0
Buffalo	0
Chicago	0
Detroit	1
El Paso	6
Houston	0
Laredo	3
Los Angeles	0
Miami	3
New Orleans	1
New York	0
Portland	0
Pre-Clearance	0
San Diego	2
San Francisco	1
San Juan	0
Seattle	0
Tampa	0
Tucson	5
Total	24

FY 2013	Probation/Trial
HQ	0
Atlanta	1
Baltimore	0
Boston	1
Buffalo	1
Chicago	0
Detroit	0
El Paso	5
Houston	1
Laredo	9
Los Angeles	0
Miami	0
New Orleans	0
New York	1
Portland	0
Pre-Clearance	0
San Diego	1
San Francisco	0
San Juan	0
Seattle	1
Tampa	0
Tucson	4
Total	25

Appendix 6**OBP Actions by Sector**

FY 2011

SECTOR	Removals	Demotions	Probation/ Trial	Disciplinary Suspensions	Adverse Suspensions	Indefinite Suspensions	Reprimands	FY11 Total
HQ	0	0	0	1	0	0	2	3
Blaine	0	0	3	5	0	0	11	19
Buffalo	0	1	2	5	3	0	18	29
Del Rio	3	1	16	23	5	2	39	89
Detroit	0	0	5	3	0	0	6	14
El Centro	1	1	10	25	2	1	84	124
El Paso	8	2	15	19	9	2	83	138
Grand Forks	0	0	2	6	0	0	7	15
Havre	0	0	3	1	0	0	14	18
Houlton	0	0	2	3	0	0	7	12
Laredo	2	1	12	22	2	1	29	69
Marfa	2	0	6	14	0	0	43	65
Miami	0	0	0	1	0	0	3	4
New Orleans	1	0	0	2	1	0	5	9
Ramey	0	0	0	0	0	0	0	0
Rio Grande Valley	2	0	23	37	3	1	63	129
San Diego	2	0	26	56	2	2	99	187
Spokane	0	0	0	2	0	0	0	2
Swanton	1	0	3	1	0	0	5	10
Tucson	0	5	36	47	1	6	106	201
Yuma	2	0	9	12	2	1	24	50
Total	24	11	173	285	30	16	648	1,187

LER Discipline Analysis Report Fiscal Years 2011-2013

Appendix 7

OBP Actions by Sector

FY 2012

SECTOR	Removals	Demotions	Probation/ Trial	Disciplinary Suspensions	Adverse Suspensions	Indefinite Suspensions	Reprimands	FY12 Total
HQ	1	0	0	0	3	0	1	5
Big Bend	2	0	3	13	1	1	31	51
Blaine	0	0	0	1	0	0	6	7
Buffalo	0	0	0	5	0	0	7	12
Del Rio	2	1	5	15	2	3	57	85
Detroit	1	0	0	5	2	0	1	9
El Centro	0	0	0	28	1	0	65	94
El Paso	5	0	2	47	1	5	106	166
Grand Forks	0	0	0	4	1	0	3	8
Havre	0	0	0	5	0	0	10	15
Houlton	0	0	0	0	0	0	10	10
Laredo	3	0	0	15	1	0	36	55
Miami	0	0	0	6	1	0	5	12
New Orleans	0	0	0	4	0	0	1	5
Ramey	0	0	0	0	0	0	1	1
Rio Grande Valley	1	0	2	38	0	2	69	112
San Diego	4	3	3	46	3	4	61	124
Spokane	0	0	0	5	0	0	3	8
Swanton	0	0	0	2	0	0	0	2
Tucson	1	1	8	53	5	1	76	145
Yuma	4	1	2	12	3	1	22	45
Total	24	6	25	304	24	17	571	971

LER Discipline Analysis Report Fiscal Years 2011-2013

Appendix 8

OBP Actions by Sector

FY 2013

SECTOR	Removals	Demotions	Probation/ Trial	Disciplinary Suspensions	Adverse Suspensions	Indefinite Suspensions	Reprimands	FY13 Total
HQ	0	0	0	0	0	0	2	2
Big Bend	0	0	1	7	0	0	38	46
Blaine	0	0	0	1	1	0	1	3
Buffalo	2	0	0	5	1	0	3	11
Del Rio	1	0	1	20	0	2	44	68
Detroit	0	0	0	4	2	0	11	17
El Centro	1	0	2	19	1	0	46	69
El Paso	4	0	3	31	5	2	108	153
Grand Forks	0	0	0	7	0	0	2	9
Havre	0	0	0	2	1	0	0	3
Houlton	0	0	0	2	0	0	8	10
Laredo	4	0	3	25	0	3	39	74
Miami	0	0	0	4	0	0	2	6
New Orleans	0	1	0	2	0	0	0	3
Ramey	0	0	0	0	0	0	1	1
Rio Grande Valley	5	0	16	44	2	3	89	159
San Diego	4	0	0	35	2	0	84	125
Spokane	0	0	0	3	0	1	6	10
Swanton	0	0	0	1	0	0	7	8
Tucson	3	3	2	58	1	4	96	167
Yuma	1	0	3	20	3	1	31	59
Total	25	4	31	290	19	16	618	1,003

LER Discipline Analysis Report Fiscal Years 2011-2013

Appendix 9

OFO Actions by Field Office

FY 2011

Field Office	Removals	Demotions	Probation/ Trial	Disciplinary Suspensions	Adverse Suspensions	Indefinite Suspensions	Reprimands	FY11 Total
HQ	0	0	0	3	0	0	2	5
Atlanta	1	0	2	2	0	4	6	15
Baltimore	2	0	1	1	0	0	5	9
Boston	2	0	2	8	0	0	16	28
Buffalo	1	0	0	3	0	0	12	16
Chicago	0	0	0	3	1	0	6	10
Detroit	3	1	0	2	2	1	5	14
El Paso	8	0	4	9	0	0	23	44
Houston	2	0	1	16	0	0	17	36
Laredo	3	0	3	13	0	0	45	64
Los Angeles	2	0	0	7	3	2	19	33
Miami	0	0	2	9	1	0	47	59
New Orleans	0	0	0	1	0	1	1	3
New York	0	0	3	15	7	1	12	38
Portland	0	0	0	5	0	0	0	5
Pre-Clearance	0	0	0	1	0	0	7	8
San Diego	2	0	7	9	3	2	39	62
San Francisco	1	1	0	10	4	1	17	34
San Juan	0	0	1	9	0	0	8	18
Seattle	0	0	4	7	2	2	57	72
Tampa	1	0	0	0	1	0	11	13
Tucson	1	0	3	5	1	0	14	24
Total	29	2	33	138	25	14	369	610

LER Discipline Analysis Report Fiscal Years 2011-2013

Appendix 10

OFO Actions by Field Office

FY 2012

Field Office	Removals	Demotions	Probation/ Trial	Disciplinary Suspensions	Adverse Suspensions	Indefinite Suspensions	Reprimands	FY12 Total
HQ	0	0	1	1	1	0	3	6
Atlanta	0	0	1	9	3	1	11	25
Baltimore	1	0	0	1	0	0	4	6
Boston	0	0	0	4	0	0	9	13
Buffalo	2	0	0	4	1	1	5	13
Chicago	0	0	0	2	0	0	0	2
Detroit	0	1	1	8	1	0	3	14
El Paso	5	0	6	3	0	0	33	47
Houston	2	0	0	12	1	0	13	28
Laredo	3	1	3	11	3	1	30	52
Los Angeles	1	0	0	7	3	2	13	26
Miami	2	1	3	2	3	1	26	38
New Orleans	0	0	1	1	0	0	4	6
New York	3	0	0	19	2	0	16	40
Portland	0	0	0	0	0	0	2	2
Pre-Clearance	0	0	0	0	1	0	6	7
San Diego	3	0	2	16	1	3	34	59
San Francisco	0	0	1	12	3	0	7	23
San Juan	0	0	0	0	1	0	6	7
Seattle	2	0	0	17	0	1	18	38
Tampa	0	1	0	2	0	0	10	13
Tucson	4	0	5	1	0	1	16	27
Total	28	4	24	132	24	11	269	492

LER Discipline Analysis Report Fiscal Years 2011-2013

Appendix 11

OFO Actions by Field Office

FY 2013

Field Office	Removals	Demotions	Probation/ Trial	Disciplinary Suspensions	Adverse Suspensions	Indefinite Suspensions	Reprimands	FY13 Total
HQ	2	0	0	1	0	0	6	9
Atlanta	1	0	1	6	0	1	21	30
Baltimore	1	0	0	2	1	0	1	5
Boston	1	0	1	8	0	0	10	20
Buffalo	1	0	1	0	0	2	7	11
Chicago	0	0	0	2	0	0	20	22
Detroit	1	0	0	6	0	1	12	20
El Paso	1	0	5	3	0	0	24	33
Houston	0	1	1	12	1	1	17	33
Laredo	4	0	9	6	1	1	50	71
Los Angeles	3	1	0	1	3	2	11	21
Miami	2	0	0	9	1	1	36	49
New Orleans	0	0	0	1	0	0	2	3
New York	0	0	1	10	1	1	17	30
Portland	0	0	0	0	0	0	2	2
Pre-Clearance	1	0	0	1	0	1	4	7
San Diego	5	1	1	14	0	2	37	60
San Francisco	2	0	0	8	1	2	17	30
San Juan	0	0	0	0	0	0	1	1
Seattle	0	1	1	4	0	0	39	45
Tampa	0	0	0	4	1	0	5	10
Tucson	1	0	4	8	1	2	19	35
Total	26	4	25	106	11	17	358	547